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S E C R E T STATE 088263

SIPDIS  
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E.O. 12958: DECL: 08/21/2029  
TAGS: KACT PARM START US RS  
SUBJECT: SFO-DIP-09-002: U.S. DRAFT NEW START TREATY TEXT  
(ARTICLES ONLY), CABLE 2 OF 2

REF: STATE 078776 (SFO-GVA-III-003)

Classified By: Jerry A. Taylor, Director, VCI/SI.  
Reason: 1.4(b) and (d)

¶1. (U) This is an action request. See paragraph 4 below.

¶2. (S) BACKGROUND: At their July 23, 2009, meeting in Geneva, Assistant Secretary Gottemoeller and Russian Ambassador Anatoliy Antonov agreed to meet in Geneva on August 31, 2009 to begin discussing the text of the New START Treaty. To this end, A/S Gottemoeller told Amb Antonov that the United States would provide its draft text prior to the August meeting to allow time for the Russian Delegation to review the U.S. draft text (Reftel).

¶3. (S) This is the second of two cables that contains Articles IX through the end of the U.S. draft of the New START Treaty Articles. Embassy should note that, due to the length of the draft, the text was sent using multiple cables. A second series of related cables contains the U.S. draft of the New START Treaty Definitions Annex.

¶4. (U) ACTION REQUEST: Embassy Moscow is requested to combine the texts of the U.S. draft New START Treaty Articles contained in the associated cables into one document and provide that text to appropriate host government officials by August 25. Washington will provide a courtesy Russian-language translation of the U.S. draft New START Treaty Articles to be delivered along with the English language text. Embassy is requested to confirm delivery of the text, the name and office of the official to whom it was delivered, the date of delivery, and any comment or reaction provided at that time.

¶5. (S/Releasable to the Russian Federation) Begin text:

#### Article IX

¶1. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall use national technical means of verification at its disposal in a manner consistent with generally recognized principles of international law.

¶2. Each Party undertakes not to interfere with the national technical means of verification of the other Party operating in accordance with paragraph 1 of this Article.

¶3. Each Party undertakes not to use concealment measures that impede verification, by national technical means of verification, of compliance with the provisions of this Treaty. In this connection, the obligation not to use concealment measures includes the obligation not to use them at test ranges, including measures that result in the concealment of ICBMs, SLBMs, mobile launchers of ICBMs, or the association between ICBMs or SLBMs and their launchers during testing. The obligation not to use concealment measures shall not apply to cover or concealment practices at ICBM bases and deployment areas, or to the use of environmental shelters for strategic offensive arms.

¶4. To aid verification, each ICBM for mobile launchers of ICBMs shall have a unique identifier as provided for in the Inspection Protocol.

## Article X

¶1. During each flight test of an ICBM or SLBM, the Party conducting the flight test shall make on-board technical measurements and shall broadcast all telemetric information obtained from such measurements. The Party conducting the flight test shall determine which technical parameters are to be measured during such flight test, as well as the methods of processing and transmitting telemetric information.

¶2. During each flight test of an ICBM or SLBM, the Party conducting the flight test undertakes not to engage in any activity that denies full access to telemetric information, including:

- (a) the use of encryption;
- (b) the use of jamming;
- (c) broadcasting telemetric information from an ICBM or SLBM using narrow directional beaming; and
- (d) encapsulation of telemetric information,

including the use of ejectable capsules or recoverable reentry vehicles.

¶3. During each flight test of an ICBM or SLBM, the Party conducting the flight test undertakes not to broadcast from a reentry vehicle telemetric information that pertains to the functioning of the stages or the self-contained dispensing mechanism of the ICBM or SLBM.

¶4. After each flight test of an ICBM or SLBM, the Party conducting the flight test shall provide, in accordance with Section I of the Protocol on Telemetric Information Relating to the Treaty, hereinafter referred to as the Telemetry Protocol, recording media that contain a recording of all telemetric information that is broadcast during the flight test.

¶5. After each flight test of an ICBM or SLBM, the Party conducting the flight test shall provide, in accordance with Section II of the Telemetry Protocol, data associated with the analysis of the telemetric information.

¶6. Notwithstanding the provisions of paragraphs 1 and 2 of this Article, each Party shall have the right to encapsulate and encrypt on-board technical measurements during no more than a total of seven flight tests of ICBMs or SLBMs each year. Such encapsulation shall be carried out in accordance with Section I and paragraph 1 of Section III of the Telemetry Protocol, and such encryption shall be carried out in accordance with paragraph 2 of Section III of the Telemetry Protocol. Encapsulation and encryption that are carried out on the same flight test of an ICBM or SLBM shall count as two flight tests against the quotas specified in this paragraph.

¶7. Nothing in this Article shall apply to objects launched by ICBMs or SLBMs used to deliver objects into the upper atmosphere or space, after such objects either are in orbit or have achieved escape velocity.

## Article XI

¶11. For the purpose of ensuring verification of compliance with the provisions of this Treaty, each Party shall have the right to conduct inspections and continuous monitoring activities and shall conduct exhibitions pursuant to this Article and the Inspection Protocol. Inspections, continuous monitoring activities, and exhibitions shall be conducted in accordance with the procedures provided for in the Inspection Protocol and the Conversion or Elimination Protocol.

¶12. Each Party shall have the right to conduct data update inspections at facilities to confirm the accuracy of data on the numbers and types of items specified for such facilities in the notifications and regular exchanges of updated data provided in accordance with paragraphs 2 and 3 of Section I of the Notification Protocol.

¶13. Each Party shall have the right to conduct nuclear warhead inspections of:

(a) deployed ICBMs and SLBMs. The purpose of such inspections shall be to confirm that such an ICBM or SLBM contains the number of nuclear-armed reentry vehicles equal to the number of nuclear warheads declared for that ICBM or SLBM;

(b) deployed heavy bombers. The purpose of such inspections shall be to confirm that the number of deployed heavy bombers located at the inspected air base and the number of nuclear armaments loaded on those deployed heavy bombers and in nuclear armaments weapons storage areas associated with air bases where deployed heavy bombers are based is equal to the number of deployed heavy bombers and nuclear warheads declared for that air base.

¶14. Each Party shall conduct or shall have the right to conduct conversion or elimination inspections to confirm the conversion or elimination of strategic offensive arms.

¶15. Each Party shall have the right to conduct formerly declared facility inspections to confirm that facilities, notification of the elimination of which has been provided in accordance with paragraph 3 of Section I of the Notification Protocol, are not being used for purposes inconsistent with this Treaty.

¶16. If not previously conducted in conjunction with fulfilling the requirement of the START Treaty, each Party shall conduct technical characteristics exhibitions, and shall have the right during such exhibitions by the other Party to conduct inspections of an ICBM and an SLBM of each type, and each variant thereof, and of a mobile launcher of ICBMs and each version of such launcher for each type of ICBM for mobile launchers of ICBMs. The purpose of such exhibitions shall be to permit the inspecting Party to confirm that technical characteristics correspond to the data specified for these items.

¶17. If not previously conducted in conjunction with fulfilling the requirements of the START Treaty, each Party shall conduct distinguishability exhibitions for heavy bombers, and nuclear armaments for heavy bombers, and shall have the right during such exhibitions by the other Party to conduct inspections, of:

(a) heavy bombers equipped for nuclear armaments. The purpose of such exhibitions shall be to permit the inspecting Party to confirm that the technical characteristics of each type and each variant of such

heavy bombers correspond to the data specified for these items in Annex G to the Memorandum of Understanding;

(b) heavy bombers equipped for non-nuclear armaments but of the same type of heavy bombers equipped for nuclear armaments. The purpose of such exhibitions shall be to demonstrate to the inspecting Party that, for each exhibited type of heavy bomber, each variant of heavy bombers equipped for non-nuclear armaments, and each variant of training heavy bombers, are distinguishable from one another and from each variant of heavy bombers of the same type equipped for nuclear armaments; and

(c) nuclear armaments for heavy bombers. The purpose of such exhibitions shall be to permit the inspecting Party to confirm that the technical characteristics of such nuclear armaments correspond to the data specified for these items in Annex H to the Memorandum of Understanding.

¶8. Each Party shall have the right to conduct continuous monitoring activities at production facilities for ICBMs for mobile launchers of ICBMs to confirm the number of ICBMs for mobile launchers of ICBMs produced.

## Article XII

¶11. To enhance the effectiveness of national technical means of verification, each Party shall, if the other Party makes a request in accordance with paragraph 1 of Section V of the Notification Protocol, carry out the following cooperative measures:

(a) a display in the open of the mobile launchers of ICBMs located within each restricted area of one ICBM base specified by the requesting Party with the exception of those mobile launchers of ICBMs involved in routine movement. For each specified ICBM base, the roofs of fixed structures for mobile launchers of ICBMs in all restricted areas at that base shall be open for the duration of a display. The mobile launchers of ICBMs located within the restricted areas shall be displayed either located next to or moved halfway out of such fixed structures. Those mobile launchers of ICBMs at the base specified by the requesting Party that will not be displayed due to routine movement shall be specified by the requested Party in a notification provided in accordance with paragraph XX of Section V of the Notification Protocol. Such a notification shall be provided no later than 12 hours after the request for display has been made;

(b) a display in the open of all deployed heavy bombers located within one air base specified by the requesting Party, except those heavy bombers that are not readily movable due to maintenance or operations. Such heavy bombers shall be displayed by removing the entire airplane from its fixed structure, if any, and locating the airplane within the air base. Those deployed heavy bombers at the air base specified by the requesting Party that are not readily movable due to maintenance or operations shall be specified by the requested Party in a notification provided in accordance with paragraph 2 of Section V of the Notification Protocol. Such a notification shall be provided no later than 12 hours after the request for display has been made.

¶12. Mobile launchers of ICBMs and deployed heavy bombers subject to each request pursuant to paragraph 1 of this Article shall be displayed in open view without using concealment measures. Each Party shall have the right to make five such requests each year, but shall not request a display at any particular ICBM base for mobile launchers of ICBMs, or any particular air base more than one time each year. A Party shall have the right to request, in any single request, only a display of mobile launchers of ICBMs, or a display of deployed heavy bombers. A display

shall begin no later than 12 hours after the request is made and shall continue until 18 hours have elapsed from the time that the request was made. If the requested Party cannot conduct a display due to circumstances brought about by force majeure, it shall provide notification to the requesting Party in accordance with paragraph 3 of Section V of the Notification Protocol, and the display shall be cancelled. In such a case, the number of requests to which the requesting Party is entitled shall not be reduced.

¶3. A request for cooperative measures shall not be made for a facility that has been designated for inspection until such an inspection has been completed and the inspectors have departed the facility. A facility for which cooperative measures have been requested shall not be designated for inspection until the cooperative measures have been completed or until notification has been provided in accordance with paragraph 3 of Section V of the Notification Protocol.

#### Article XIII

To promote the objectives and implementation of the provisions of this Treaty, the Parties hereby establish the Bilateral Consultative Commission. The Parties agree that, if either Party so requests, they shall meet within the framework of the Bilateral Consultative Commission to:

- (a) resolve questions relating to compliance with the obligations assumed;
- (b) agree upon such additional measures as may be necessary to improve the viability and effectiveness of this Treaty; and
- (c) resolve questions related to the application of relevant provisions of this Treaty to a new kind of strategic offensive arm, after notification has been provided in accordance with paragraph 16 of Section VII of the Notification Protocol.

#### Article XIV

To ensure the viability and effectiveness of this Treaty, each Party shall not assume any international obligations or undertakings that would conflict with its provisions and the Parties agree not to transfer strategic offensive arms subject to the limitations of the Treaty to third States. The Parties shall hold consultations in accordance with Article XIII of this Treaty in order to resolve any ambiguities that may arise in this regard. The Parties agree that this provision does not apply to any patterns of cooperation, including obligations, in the area of strategic offensive arms, existing at the time of signature of this Treaty, between a Party and a third State.

#### Article XV

¶1. This Treaty, including its Annexes, Protocols, and Memorandum of Understanding, all of which form integral parts thereof, shall be subject to ratification in accordance with the constitutional procedures of each Party. This Treaty shall enter into force on the date of the exchange of instruments of ratification.

¶2. As of the date of its entry into force, this Treaty shall supersede the Moscow Treaty, which shall terminate as of that date.

¶3. This Treaty shall remain in force for 10 years unless superseded earlier by a subsequent agreement on the reduction of strategic offensive arms. No later than one year before the expiration of the 10-year period, the

Parties shall meet to consider whether this Treaty will be extended. If the Parties so decide, this Treaty will be extended for a period of no more than five years unless it is superseded before the expiration of that period by a subsequent agreement on the reduction of strategic offensive arms.

14. Each Party shall, in exercising its national sovereignty, have the right to withdraw from this Treaty if it decides that extraordinary events related to the subject matter of this Treaty have jeopardized its supreme interests. It shall give notice of its decision to the other Party six months prior to withdrawal from this Treaty. Such notice shall include a statement of the extraordinary events the notifying Party regards as having jeopardized its supreme interests.

#### Article XVI

Each Party may propose amendments to this Treaty. Agreed amendments shall enter into force in accordance with the procedures governing entry into force of this Treaty.

#### Article XVII

This Treaty shall be registered pursuant to Article 102 of the Charter of the United Nations.

Done at (location and date), in two copies, each in the English and Russian languages, both texts being equally authentic.

FOR THE UNITED STATES OF AMERICA:

FOR THE RUSSIAN FEDERATION:

Footnote 1: Specific number will be decided through further negotiations.

Footnote 2: Specific number will be decided through further negotiations.

End text.

CLINTON